THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7043 of 2007

Dated: 09-04-2007

Between:

Smt. Somesula Sujathamma.

..... PETITIONER

AND

The District Collector, Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7043 of 2007

ORDER:

Land admeasuring Acs.5.00 in survey No.1133/3 situated at Savisettypally Village, Kasinayana Mandal, (erstwhile B. Kodur Mandal), Kadapa District, was initially assigned to the landless poor persons. However, the assignment was cancelled by the Mandal Revenue Officer (MRO) by proceedings dated 31.01.1996. The petitioner's husband was Head Constable in Central Reserve Police Force. He expired in 1991. The petitioner then made a representation seeking assignment in response to which the MRO vide DKT No.380/1406 dated 28.06.1997 assigned said land. The petitioner statedly brought the land under cultivation, raised loans and cultivated dry crops like korra, jawar, bajra and red gram. She also obtained pattadar pass book. It is alleged that M/s Malleboyina Venkateswarlu and Malleboyina Pollayya claiming themselves to be the earlier assignees damaged the red gram crop. Seeking redressal the petitioner submitted a representation on 29.03.2006 to MRO and also complained the same to the Station House Officer, B. Kodur. It is alleged that instead of taking action pursuant to such representation, respondents 2 and 3 orally directed the petitioner not to enter into the land and also informed that alternative land will be shown to her. Aggrieved by the same, present writ petition is filed seeking a writ of Mandamus directing the respondents not to interfere with the petitioner's possession without due process of Law.

After getting instructions, the learned Assistant Government Pleader for Revenue submits that the allegation that MRO directed the petitioner not to enter into the land or the allegation that he tried to interfere with the petitioner's possession is denied. He categorically submits that MRO never tried to dispossess the petitioner and that even if such move is there, the same shall be taken up after issuing notice to the petitioner and following due process of Law. The same is recorded. This Court further observes that as the assignment made in favour of the petitioner is not denied, unless and until appropriate steps are taken in accordance with Law, she cannot be prevented from enjoying the land. This Court also observes that if third parties interfere with the petitioner's possession, it shall be open to her to approach the Civil Court and obtain appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

09th April, 2007
Note: Issue CC in one week.
B/o
ghn